

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELIZABETH N. LONG and TONI L.
HOTHAN,

Plaintiffs,

1:12-CV-1495-PA

TEMPORARY RESTRAINING ORDER

v.

LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
THE MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2006-FF1, and CAL-
WESTERN RECONVEYANCE
CORPORATION,

Defendants.

PANNER, District Judge.

I previously issued a temporary restraining order to enjoin the foreclosure sale of plaintiffs' house. I noted that in Oregon, a party initiating non-judicial foreclosure proceedings

must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, *3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at *3-4 (Bankr. D. Or. Feb. 7)); James v. Recontrust Co., et al, 2012 WL 653871, at *19-20 (D. Or. Feb. 29).

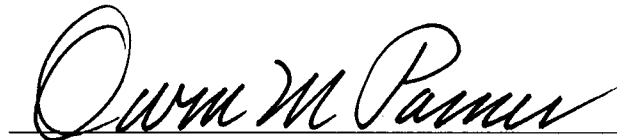
I scheduled a preliminary injunction show cause hearing for September 12, 2012. On September 11, 2012, plaintiff filed an unopposed motion to continue the hearing and extend the restraining order. Plaintiffs request at least 14 days as the parties are currently in negotiations which could render the hearing moot. Due to scheduling conflicts, I cannot schedule a hearing for 14 days. Due to the rules governing ex parte temporary restraining orders, such orders are generally limited to 14 days or less. Fed. R. Civ. P. 65(c). Therefore, I reschedule the hearing for September 20, 2012 and extend the restraining order to that date. Should plaintiffs require a further continuation, they may request a continuance prior to September 20.

Defendants, and their officers and agents, and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 225 Olwell Way, Medford, Oregon, from this day until Thursday, September 20, 2012, at 5:00 p.m. I will hold a hearing on whether to issue a

preliminary injunction at 10:15 a.m. on September 20, 2012, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 12 day of September, 2012 at ____ o'clock ____.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

Owen M. Panner
United States District Judge